

1 Kissoon

2 A. Yes.

3 Q. And maybe some other writing
4 there?

5 A. Sam Podolak.

6 Q. Okay. Let's focus on the second
7 page, there is a date at the top, 5/8/03.

8 MS. MEYERS: What is the Bates
9 number?

10 MR. BERNSTEIN: It should be --
11 just bear with me a second.

12 MS. MEYERS: I have it right here.

13 MR. BERNSTEIN: They are put off
14 on my copy. 3264.

15 MS. MEYERS: Yes. That was your
16 second page.

17 MR. BERNSTEIN: Right, 3264.

18 MS. MEYERS: Right.

19 Q. The date up at the top is 5/8/03?

20 A. Yes.

21 Q. Is that the date that you wrote
22 this page?

23 A. Yes.

24 Q. What type of report is this?

25 A. This is a man hours probably.

1 Kissoon

2 Q. Yes.

3 A. Employees.

4 Q. When you wrote this, the writing
5 by Sam, that was put on by Sam, that was
6 afterwards; right?

7 A. Yes.

8 Q. Tell me how you went about
9 creating this particular report?

10 A. Look at the time cards, the man on
11 duty, when they punch in, punch out, calculate
12 the hours.

13 Q. So you would go through each time
14 card?

15 A. Yes.

16 Q. When you did that were you at
17 the -- at each garage or you did that in the
18 office or something else?

19 A. I did that at the garage.

20 Q. So if we look at the first garage
21 which is Bienvenido, the first one that is
22 listed?

23 A. Yes.

24 Q. And it says the first name there
25 is Sammy, six days, 72 hours?

Kissoon

Q. Is that information that you got from the time card for that person?

Q. The 72 is 72 hours, that was the time worked according to his time card?

Q. Then over on the left there is a 40 plus 26, that is Sam's writing?

Q. When did Sam write that, you gave this report to Sam or he came to the garage or what?

Q. Did he give it back to you after he had put numbers on here?

Q. Do you know what Sam did with your report after you gave it to him?

Q. Do you know what the 40 plus 26 means that Sam wrote here?

Q. What does it mean?

1 Kissoon

2 A. 40 hours regular, 26 hours
3 overtime.

4 Q. So that is a total of 66; is that
5 right?

6 A. Yes.

7 Q. Was the 66 hours the amount of
8 hours that this particular person was paid for
9 do you know?

10 MS. MEYERS: Don't guess.

11 Q. I don't need you to guess?

12 A. I can't remember.

13 Q. Did Sam ever tell you how he
14 arrived at the numbers for the workers when he
15 wrote the numbers on these type of reports,
16 for example with Sammy, how he got from 72
17 hours worked to a total of 40 plus 26, a total
18 of 66?

19 A. I cannot remember.

20 Q. Did anyone else ever tell you how
21 Sam did that?

22 A. No.

23 Q. You never spoke with David about
24 it?

25 A. No.

1 DAVID SAPERSTEIN

2 Q Do you know on what basis he does that
3 or what basis you do it when you do it?

4 A If an employee worked 12 hours five
5 days a week, I would basically do eight plus
6 four for every 12 hours, and it would, you
7 know -- it would kind of add up to 40 plus or
8 whatever. Forty plus 20.

9 Q Let's look at Exhibit 12. (Handing.)
10 Quickly, are there reports in here
11 from the time when you were handling the
12 payroll?

13 A Yes.

14 Q Can you give me an example?

15 A Let me back up. At this -- let's just
16 go with the first page. 8-25-03 to 9-1-03, I
17 was only handling the check portion of the
18 payroll.

19 Q So in that instance, how did you
20 utilize the information from this report?

21 A In this particular instance?

22 Q Yes.

23 A Let's take in Bien, Felix, he got on
24 his check 40 hours regular, 26 hours overtime at
25 whatever the minimum wage rate was.

1 DAVID SAPERSTEIN

2 Q Is there an example in here of when
3 you were handling both the check and the cash
4 portion?

5 A Let's go to the last one, since it's
6 probably the last date.

7 Q The last one?

8 A Let me see what that date is. We
9 can't read that date, so let's go to the one
10 before the last one.

11 Q Okay.

12 A I believe I was handling both portions
13 at this point.

14 Q Okay. And in that instance, how did
15 you utilize the information that you were given?

16 A In this particular one, Sam figured
17 out the distribution of regular and overtime
18 pays. Let's take Sammy, for instance.

19 Q The first one?

20 A The first one. Forty hours regular,
21 26 overtime is what his check was. And I'm
22 guessing that at some point I put cash in his
23 envelope as well.

24 Q And what method did you use to arrive
25 at the cash amount?

8-25-03
to
9-1-03
RAY OF

202-5354

(33+22) BREIN (40+26)
Sammy = 5 DAY = 60. FELIX = 6 NIGHTS = 72.
RADHANE = 1 DAY = 12. (10+1) SANTANA = 1 NIGHT = 12 (8+3)
DOMINGO = 1 DAY = 12. (21) RAY 20

(40+26) SAGE (40+26)
SWASZ = 6 DAY = 72. ROTAS = 6 NIGHTS = 72.
PARRIS = 3 (33) DAY = 36. VSANTANA = 4 NIGHT = 48. 32+12
BRITO = 3 (27) DAY = 30. PERSICO = 4 NIGHT = 48. 32+12
RAMON = 1 DAY = 12 (8+3) BACK TO WORK
SAMMY = 1 DAY = 12 (4+4)

(40+15) Castle (40+26)
ROBERTO = 5 DAY = 60. NOBERTO = 6 NIGHT = 72.
PEOPOL = 5 DAY = 60. (40+15) WELLINGTON = 6 NIGHT = 72.
RAMON = 4 DAY = 48. 32+12 FRANKLIN = 2 NIGHT = 24. 16+6

I.V.V.
EDISON = 5 DAY = 56. 40 LORENZO = 5 NIGHT = 61. (40+16)
DICKARDO = 5 DAY = 58. (40+13) LUNA = 5 NIGHT = 53. (40+8)
RADHANE = 2 DAY = 24. (20+2) FRANKLIN = 3 NIGHT = 36. 24+9
RAY 20 PERSICO = 1 NIGHT = 12 (8+3)

155 STREET.
RADHANE = 1 DAY = 12. (10+1)
BRITO = 1 DAY = 8. (7)

145 STREET.
BRITO = 1 DAY = 10. *EDISON RIVERA = 1 DAY = 62.

PLAINTIFF'S
EXHIBIT

12
6/17/08

9.15.03.
10.03.
9.21.03. RAY-OK.

SAMMY = 6 DAY = 72 (40+26) ISICK DAY 40+15 + 11 other
FELIX = 5 NIGHT = 60.
RADHAMES = 1 DAY = 12 (10+1) SANTANA = 2 NIGHTS = 24 (16+6)
DOMINGO (10) RAY (20)

SAGE.

SUASO = 5 DAY = 60 (40+15) 20 JAS = 6 NIGHT = 72 (40+26)
BRITO = 3 DAY = 36 (26+1) SANTANA = 3 NIGHT = 36 (24+9)
PATRICIA = 4 DAY = 48 (40+4) PERICO = 3 NIGHT = 36 (24+9)
RAMON = 1 DAY = 12 (9+2) WELLINGTON = 1 NIGHT = 12 (7+4)
DOMINGO = 1 DAY = 12 (11) MARI = 1 NIGHT = 12 (9+2)
NEW MAN

CASTLE -

ROBERTO = 5 DAY = 60 (40+15) NOBERTO = 5 NIGHT = 60 (40+15)
PEDRO = 5 DAY = 57 (40+12) WELLINGTON = 5 NIGHT = 60 (33+22)
RAMON = 3 DAY = 36 (24+9) PERICO = 2 NIGHT = 24 (16+6)
BRITO = 1 DAY = 10 (8+1) LUNA = 2 NIGHT = 24 (18+4)

change to \$5.40 per hour I-V-Y.

EDISON = 5 DAY = 58 (40) LORENZO = 5 NIGHT = 60 (40+15)
PICHARDO = 5 DAY = 56 (40+11 1/2) FRANKLIN = 1 NIGHT = 12 (11)
RADHAMES = 2 DAY = 24 (20+2) LUNA = 3 NIGHT = 36 (24+6)
RAY (20) MARIO = 4 NIGHT = 44 (31+9)
RAMON = 1 NIGHT = 9 1/2 (7+1 1/2)

155 STREET.

BRITO = 1 DAY = 8 (6+1)
RADHAMES = 1 DAY = 12 (10+1)

9-22-03
to
9-28-03
Ref. of.

Bien.
(34+21) (10+18) (10+18) (40+26)
SAMMY = 5 DAY = 60. FELIX = 6 NIGHT = 72.
PATRICK = 1 DAY = 12 (10+1) SANTANA = 1 NIGHT = 12 (8+3)
RACHAMES = 1 DAY = 12 (10+1) Domingo (10)
RAS (20)

SAGE.
EXTRA #200 (40+15) (40+26)
SAGE = 5 DAY = 60. Rojas = 6 NIGHT = 72.
PATRICK = 3 DAY = 36 (30+3) SANTANA = 4 NIGHT = 48 (32+12)
BRITO = 3 DAY = 30 (26+1) PERRICO = 2 NIGHT = 24 (16)
DAMIAN = 1 DAY = 12 (11) WELLINGTON = 1 NIGHT = 12 (11)
CHRIS (SON) = 1 DAY = 12 (11) * THOE = 1 NIGHT = 12 (11)
NEW MAN.

CASTLE.
(40+15) (33+22) (39+26)
ROBERTO = 5 DAY = 60. WELLINGTON = 5 NIGHT = 60.
PEDRO = 4 DAY = 48 (40+4) NOBERTO = 4 NIGHT = 48 (40+4)
RAMON = 4 DAY = 48 (34+10) PERRICO = 3 NIGHT = 36 (24)
BRITO = 1 DAY = 10 (8+1) LUNA = 2 NIGHT = 24 (17+1)

I.V.Y.
(25) (40+21)
EDISIO = 3 DAY = 28. LORENZO = 5 NIGHT = 66
PICKAROO = 5 DAY = 50 (40+15) LUNA = 4 NIGHT = 41 (23+1)
RACHAMES = 3 DAY = 36 (23+13) RAMON = 1 NIGHT = 10 (6+3)
SAMMY = 1 DAY = 12. * THOE (Luigi) = 3 NIGHT = 36 (29)
RAS 20 (6+5) MARLO = 1 NIGHT = 12 (11)

155 STREET.

BRITO = 1 DAY = 8 (6+1)
RACHAMES = 1 DAY = 12 (10+1) (9+2)